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PTO/SB/64 (11-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
10722-32691

First named inventor: **Cheryl L. Neofytides**

Application No.: **09/613,615**

Art Unit: **3624**

Filed: **July 11, 2000**

Examiner: **Dr. Geoffrey R. Akers**

Title: **METHOD FOR ENABLING TRANSFER OF FUNDS THROUGH
A COMPUTER NETWORK**

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1,330 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of credit card payment form for appeal brief (identify type of reply):

has been filed previously on _____
 is enclosed herewith. 12/09/2003 SZEWIDIE1 00000022 09613615

B. The issue fee of \$ _____.

has been paid previously on _____ 01 FC:1453 1330.00 OP

is enclosed herewith.

[Page 1 of 2]
This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DEC 10 2003

OFFICE OF PETITIONS

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

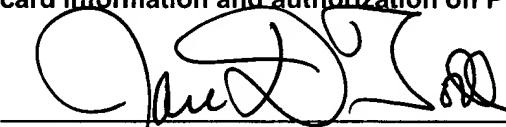
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

December 4, 2003

Date



Signature

Telephone

Number: 404/233.7000

Jack D. Todd

Typed or printed name

1600 Atlanta Financial Center

Address

Enclosures: Fee Payment

3343 Peachtree Road, N.E.

Address

Reply

Atlanta, Georgia 30326

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

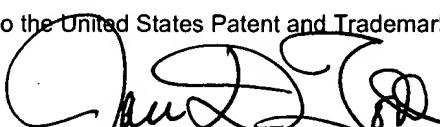
I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

December 4, 2003

Date



Signature

Jack D. Todd

Type or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : **09/613,615** Confirmation No. **1081**
Inventor : **Neofytides et al.**
Filed : **July 11, 2000**
For: **Method For Enabling Transfer of
Funds Through a Computer Network
(Twice Amended)**
Examiner : **Dr. Geoffrey Akers**
AU : **3624**
Docket No. : **10722-32691**
Customer No. : **24728**

Via U.S. Mail

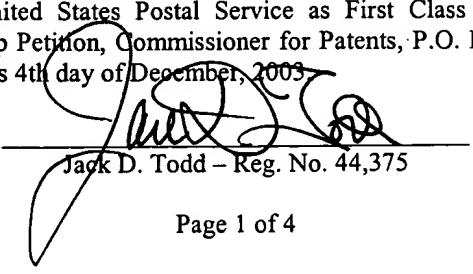
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ADDITIONAL SHEETS CONTAINING STATEMENTS ESTABLISHING UNINTENTIONAL DELAY AND STATEMENT OF FACTS

(ACCOMPANYING FORM PTO/SB/64 (11-03))

Petition is hereby made to revive the above-referenced patent application unintentionally abandoned for failure to timely file a reply to an Office communication. Applicant petitions that the above-referenced patent application be revived under 37 C.F.R. § 1.137(b). The reply required to the outstanding Office communication is submitted herewith, as a credit card authorization form. It is not believed that any late fees or extension of time fees are due with this Petition. The required fee under 37 C.F.R. § 1.17(m) is submitted herewith as a check in the amount of \$1,330. The entire delay in filing the required reply from the due date for the reply until the filing of this petition was unintentional.

I hereby certify that this correspondence is being deposited with sufficient postage payment with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 4th day of December, 2003.



Jack D. Todd - Reg. No. 44,375

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Statement of Facts

1. A notice of appeal was timely filed by the applicant on April 23, 2003.
2. An appeal brief was timely filed by the applicant on June 23, 2003, but the credit card authorization form was inadvertently not included.
3. An Office communication concerning this appeal brief was mailed by the USPTO on August 29, 2003. The communication, authored and signed by Sonya Williams (CIE), states:

The appeal brief was not entered due to a lack of fees. There was not an authorization to charge. Please forward the necessary fees for processing.

A copy of the August 29, 2003, Office communication is attached as **Exhibit A**.

4. A credit card payment form (form PTO-2038) was then submitted in a timely manner by facsimile transmission by the applicant to the PTO and, specifically, to the fax number provided by Ms. Williams, on September 5, 2003. The credit card payment form authorized a \$320.00 payment for the 37 C.F.R. § 1.17(c) fee for the appeal brief. This amount was sufficient on the day of the payment form submission. A copy of the original credit card payment form is attached as **Exhibit B**. Please note that the credit card account number has been redacted in the interest of security.
5. A confirmation report from the facsimile sending unit indicated a "successful" send of the credit card payment form to the PTO fax number provided by Ms. Williams. A copy of the confirmation report is attached as **Exhibit C**.
6. A Notice of Abandonment, a copy of which is attached as **Exhibit D**, was mailed by the USPTO to the undersigned on November 13, 2003. The reason for the

abandonment indicated in the Notice by Examiner Akers was that "No fee paid for Appeal Brief ..." Evidently, the credit card payment form timely submitted by the applicant and received by the PTO was never properly matched with the file.

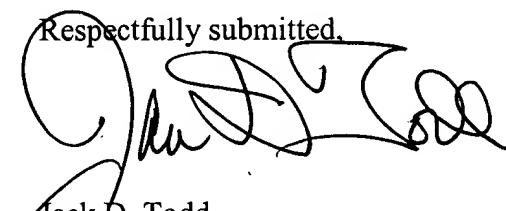
Requested Action

Based on the foregoing statement of facts, Applicant respectfully requests that the following actions be take by the USPTO:

- (1) Grant revival of above-referenced patent application.
- (2) Accept payment for the appeal brief fee due under 37 C.F.R. § 1.17(c). A new credit card payment form authorizing a \$330.00 payment (current fee schedule) for the fee is provided herewith.
- (3) Enter the appeal brief previously submitted into the above-referenced application for consideration by the Board of Patent Appeals.
- (4) Refund the \$1,330 Petition Fee to the applicant, if deemed appropriate, based on the foregoing Statement of Facts.

Applicant has made a *bona fide* attempt to comply with the conditions set forth in 37 C.F.R. § 1.137(b). If any condition remains incomplete, then Applicant kindly requests that the undersigned be contacted at the address or telephone number shown below in order that such condition may be met.

Respectfully submitted,



Jack D. Todd
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